

May 25, 2005

The Honorable John Cornyn  
517 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Cornyn:

On behalf of the Defenders of Property Rights, I would like to commend you on your introduction of the *Openness Promotes Effectiveness in our National Government Act of 2005 (OPEN Government Act)*. With this legislation, Americans can have confidence that their government is operating honestly and efficiently.

This proposed bill would be invaluable in aiding our quest to protect the private property rights of all Americans. The bill is beneficial for property rights plaintiffs – it puts teeth into the requirement that the government timely respond to requests while still protecting private property rights. For instance, under the bill, if an agency does not respond within the required 20 days, the agency may not assert any exemption under subsection (b) of the bill unless disclosure would endanger national security, “disclose personal private information protected by section 552a *or proprietary information*,” or would otherwise be prohibited by law. The bill also provides for better review of agencies’ responses to FOIA requests and for disciplinary actions for arbitrary and capricious rejections of requests. If passed, this bill would surely help private property owners obtain faster access to information regarding actions that have taken their property – and provide better enforcement if they do not.

Your bill has our full and enthusiastic endorsement. We thank you for your steadfast commitment to liberty, open government, and constitutionally guaranteed property rights.

Yours truly,

Nancie G. Marzulla  
President